

Rev. 3/19

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOJO DEOGRACIAS EJONGA

Plaintiff's full name and prisoner number

Plaintiff,

v.

Case No. 21-cv-1004-RJB-JRC
(leave blank – for court staff only)

CHERYL STRANGE

MICHAEL OOBENLAND

ERIC JACKSON

Defendant's/defendants' full name(s)

Defendant(s).

Jury Demand?

☒ Yes
☐ No

(If you cannot fit all of the defendants' names in the space provided, please write "see attached" in the space above and attach additional sheets of paper, as necessary, with the full list of names. The names listed here must be identical to those in Section II. Do not include addresses here. **Individuals whose names are not included in this section will not be considered defendants in this action.**)

WARNINGS

1. Do not use this form if you are challenging the validity of your criminal conviction or your criminal sentence. If you are challenging your conviction or sentence, or if you are seeking restoration of good-time credits that would shorten your sentence, you must file a Petition for Writ of Habeas Corpus. If you use this form to challenge your conviction or sentence, you risk having your claim dismissed. Separate forms are available for filing a habeas petition.
2. Under the Prison Litigation Reform Act ("PLRA"), you are required to exhaust all remedies in your institution's grievance system that are available to you before filing suit. This generally means that you must file a grievance and, if it is denied, appeal it through all available levels of review. Your case may be dismissed if you fail to exhaust administrative remedies, unless the administrative grievance process was not "available" to you within the meaning of the PLRA. You are not required to plead or show that you have exhausted your claim in this complaint.

3. Please review your complaint carefully before filing. If your case is dismissed, it may affect your ability to file future civil actions while incarcerated without prepaying the full filing fee. Under the PLRA, a prisoner who has had three or more civil actions or appeals dismissed as frivolous, malicious, or for failure to state a claim cannot file a new action without first paying the full filing fee, unless the prisoner is in imminent danger of serious bodily injury.

4. Under Federal Rule of Civil Procedure 5.2, papers filed with the court, including exhibits or attachments to a complaint, may not contain certain information, which must be modified as follows:

Do not include:

- a full social security number
- a full birth date
- the full name of a minor
- a complete financial account number

Instead, use:

- the last four digits
- the birth year
- the minor's initials
- the last four digits

5. You may, but do not need to, send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint. Any documents you submit *must relate directly to the claims you raise in this lawsuit*. They will become part of the court record and *will not be returned to you*.

I. PLAINTIFF INFORMATION

EJONGA JOJO D.

Name (Last, First, MI)

Aliases/Formal Names

366372-C-107

Prisoner ID #

MONROE CORRECTIONAL COMPLEX(WSRU)

Place of Detention

16550,177th Avenue, SE. P.O. BOX 777

Institutional Address

SNOHOMISH, Monroe

WA

98272

County, City

State

Zip Code

Indicate your status:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

II. DEFENDANT INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page of the complaint. Attach additional sheets of paper as necessary.

Defendant 1: STRANGE, CHERYL

Name (Last, First)

SECRETARY OF DOC

Current Job Title

DOC HEADQUARTER, 7345 LINDERSON WAY

Current Work Address

THURSTON, TUMWATER WA 98504

County, City

State

Zip Code

Defendant 2: OBENLAND-MICHEAL

Name (Last, First)

DEPUTY DIRECTOR, PRISON COMMAND A.

Current Job Title

DOC HEADQUARTER, 7345 LINDERSON WAY

Current Work Address

THURSTON, TUMWATER WA 98504

County, City

State

Zip Code

Defendant 3: JACKSON, ERIC

Name (Last, First)

SUPERINTENDANT (MCC-WSRU)

Current Job Title

16550 177TH AVENUE, SE. P.O. BOX 777, MS; NM -87

Current Work Address

SNOHOMISH, MONROE, WA 98272

County, City

State

Zip Code

III. STATEMENT OF CLAIM(S)

In this section, you must explain what you believe each defendant did to violate your civil rights, and if you know, identify the federal statutory or constitutional right you believe was violated.

If you believe the defendant(s) violated your civil rights in more than one way, explain each violation under a different count. For example, if you believe you received constitutionally inadequate medical care and your religious rights were substantially burdened, include one claim under "Count I" (i.e., medical) and the other claim under "Count II" (i.e., religion).

Number your paragraphs. For example, in Count I, paragraphs should be numbered 1.1, 1.2, 1.3, etc., and in Count II, paragraphs should be numbered 2.1, 2.2, 2.3, etc. The first two paragraphs of each Count have been numbered for you.

If you have more than three counts, attach additional pages and follow the same format for each count.

If you attach documents to support the facts of your claim(s), you must specify which portion of the document(s) (i.e., page and paragraph) you are relying on to support the specific fact(s) of your claim(s). If you do not specify the portion of the supporting document(s), the Court may disregard your document(s).

COUNT I

Identify the first right you believe was violated and by whom:

1.1 8th Amendment, violated by ALL named Defendants this action being brought against each Defendant in their official capacity

State the facts of your first claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

1.2 Each defendant acting under the color of law, personally took part in causing the violations of plaintiff's rights by ordering the acts to be carried out. Aware such acts were in violation of plaintiff's rights, were intentional, as to be Deliberate indifference, that today's society

refuse to find acceptable or is willing to tolerate.

1.3 The Washington State Reformatory (WSR) is composed of 4 living units, each have four tiers, with 158 single man cells, 12 showers, 10 telephones, two jpay's, and one kiosk machine. units A-B C-D Blocks 1&2.

1.4 A-B units cells are 54 square feet, C-D unit cells are 60 square ft. In March 1991, federal government study of U.S. prisons reported that the America Correctional Association standards call for a minimum of 70 square feet for single man cells, with 37 square feet of "unencumbered space".

1.5 The named defendants are now Forcing incarcerated individuals (I/I) into dangerous Overcrowding conditions, by Forcing I/I from C-D units to Double cell with Medium Custody I/I in A-B units.

1.6 C-D units are Minimum Custody, and therefore are being stripped of all their privileges that come with the lower custody, and the privileges earned with good behavior, such as single man cells. These single man cell allow for individuals to endure substantially more grief and forces better behavior from each individual out of fear of loosing their single man cell. That is now being taken without just cause. see attachment- C

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count I. Continue to number your paragraphs.

1.22 Anxiety, Stress, Sleeplessness, Mental anguish, Misery and Fear, Dehumanizing conditions, Serious acute discomfort amounting to physical and mental Pain, Humiliation, abuse from noise, and calculated harassment unjustifiable infliction of pain, antithetical to human dignity,

COUNT 1 ATTACHMENT

1.7 Defendants put out memos Stating, this consolidation was being done in order for the Department of Corrections (DOC) to be able to save money.

1.8 This is basically forcing the WSR into same Dangerous Overcrowding conditions at WSR that Prisoners filed a suit 1978, in BISHOP COLLINS et al., vs GERALD THOMPSON et al., cv-78-0013-BJR (1978), in this court by Honorable Chief judge, BARBARA J. ROTHSTEIN, C-78-13R, C-78-79R. where Defendants settled and there was a Consent Decree.

1.9 In the 1978 case the consent decree was based on Overcrowding contributing to stress, anxiety, tension and violence that lead to murder, assaults on both I/I and staff, bullying, suicides, lockdowns, thefts, sexual assaults, and an unremittingly high level of Violence, lack of sanitation, lack of available showers, lack of out of cell time, lack of available work, lack of clean laundry, medical issues, and security issues, and much more.

1.10 The defendants are now forcing "this same Overcrowding, violent environment that they admitted previously as being the contributing factor of that violence". Defendants' know during this time of Covid. No I/I will tolerate being deprived of their single man cell and being placed in such overcrowding situation that will surely recreate the exact situation all over again with the same exact results as the 1978 problems. However, defendants' simple do not care, as long as it will save them some money.

1.11 DOC has WSRs capacity at 720. This number accounts for all four

units. If DOC closes two of the units, as it claims to do in the coming weeks, the capacity for the remaining two units will be 360. Yet DOC claims to house 570 prisoners in these two units, resulting in outstanding overcrowding with capacity at 158% .

1.12 The facility does not have adequate ventilation, heating or cooling in the units to safely house Double bunking in such a confined environment. The ventilation is so full of 100 year old contamination that it cannot provide adequate circulation in overcrowding.

1.13 Plaintiff has an extreme number of medical conditions from Heart issues, Diabetic, sleep disorder, anxiety disorder, suffers depression, and so on, all that requires Plaintiff to sleep with a cpap, and other health problems that are compromised and will cause unhealthy living conditions in double celling.

1.14 Fights will be a thing of the norm for simple things like trying to take a shower, Plaintiff being older at the lower end of the pecking order will never be able to get a shower, or in fear of being hurt because someone bullying him out of a turn.

1.15 The noise level will be out of control, causing mental anguish and living in pure misery, regular violence over other I/I making noise, sleep deprivation will become a regular thing.

1.16 Plaintiff along with so many other I/I will suffer Substantial discomfort and Humiliation from lack of bathroom, because of having to use the toilet in arms reach of a cellmate. It is proven, that the gases from bow movement is toxic gas that in arms reach, Plaintiff and other I/I are forced to inhale on regular bases, without proper ventilation

enclosed into unhealthy close quarters.

1.17 Defendants have the facility consolidating in the middle of a virus covid-19, the four units have been kept separated, and mask must still be worn, Religious activities and all other programs, visiting are still prevented, or not back to pre covid, now, the virus is reoccurring all over the U.S., and defendants' want to now mix all four units together, showing complete disregard for plaintiff's and the entire populations health safety and well being. The new virus is just getting started, mixing plaintiff with his health issues, in with the rest of the facility is substantially dangerous, as it will be for the rest of the population.

1.18 Security, Defendants are purposing that reducing staff will save them money, However, Plaintiff, and population will not be safe. Reducing the amount of staff to control the same number of individuals places everyone in danger. Staff as well prisoner will no longer be safe with the amount of staff cut in half and expected to control the entire facility. This is deliberate interference Placing Plaintiff in a danger situation for purpose of the State to save some money.

1.19 Defendants budget cuts that they are attempting to save money now, are not to be completed for another two years, to place plaintiff and hundreds of prisoners in danger to save the state a "little" money now is deliberate indifference of Plaintiffs and rest of the facilities well beings.

1.20 Defendants actions created unnecessary and wanton infliction of pain and suffer upon plaintiff, just fearing living in such conditions and waiting for the forced move to take place, and all the violence to follow because, of these defendants.

COUNT II

Identify the second right you believe was violated and by whom:

2.1 14th amendment Due Process violated by all named defendants in their official positions .

State the facts of your second claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

2.2 Through Classification levels of custody are earned by good behavior, as are other privilege and freedoms are earned privileges, that these defendants are depriving Plaintiff of his earned Custody level, as well all the rest of his earn privileges without due process as required.

2.3 Single man cells and a Prisoners television are the largest and the most powerful privileges over any other privileges in prison, that substantially reduce violence and other problem in prison. No prisoner wants to be without these privileges. Taking away such privileges is unconstitutional and violated the due process of law.

2.4 Defendants have informed Plaintiff along with the rest of the facility, they will be loosing all their privileges so they can consolidate everyone to save money. Due process required before prisoners privileges are taken away. Such denial of privileges is in violation of due process.

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count II. Continue to number your paragraphs.

2.5 Deprivation of privilege's, Anxiety, Stress, Humiliation, Mental anguish, misery that causes physical pain and suffering

COUNT III

Identify the third right you believe was violated and by whom:

3.1 All named defendants are violating the 14th amendment Equal protection of law

State the facts of your third claim below. Include all the facts you consider important. Be specific about dates, times, locations, and the names of the people involved. Describe exactly what each specific defendant did or failed to do that caused you injury or violated your rights, and include any other facts that show why you believe what happened was wrong. If you need additional space, you may attach extra sheets.

3.2 Plaintiff is entitled to Equal protection from action of the defendants listed in this suit. From the eighth amendment violations and the due process violations.

3.3 Plaintiff is protected by the U.S. constitutions against cruel and unusual punishment that Plaintiff has pointed to in this suit. Protection

from against conditions of confinement that amount to unconstitutional, and place plaintiff in danger, causing Plaintiff anxiety, stress, and live in fear among other things. Defendants have and will be violating Plaintiff's equal protection rights by forcing him to live in unnecessary, unsafe overcrowding conditions that has been shown repeatedly to be a leading factor in violence, abuse, assault and prison rapes, and creates a substantial security risk for staff and prisoners the same.

State with specificity the injury, harm, or damages you believe you suffered as a result of the events you described above in Count III. Continue to number your paragraphs.

3.4 Anxiety, Stress, Sleeplessness, Mental anguish, Misery and fear, Dehumanizing conditions, Serious acute discomfort amounting physical and mental Pain, Humiliation, Noise abuse, and calculated harassment, unjustifiable infliction of pain and suffering, antithetical to human dignity.

IV. RELIEF


State exactly what you want the Court to do for you. For example, you may be seeking money damages from an individual defendant, you may want the Court to order a defendant to do something or to stop doing something, or you may want both kinds of relief. Make no legal arguments. Cite no cases or statutes.

Based on the facts presented and the supporting declarations
Plaintiff ask this court for an EMERGENCY Temporary Restraint
Order/Preliminary injunction while the case is reviewed for a
Permanent Injunction. (see Attachemnt A-to-G)

V. SIGNATURE

By signing this complaint, you represent to the Court that you believe the facts alleged to be true to the best of your knowledge, that you believe those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

JULY-20-2021
Dated


Plaintiff's Signature